

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

**Notice accompanying an application
relating to the personal integrity, status or
capacity of a person of full age or a minor
14 years of age or older**

**Application presented before a notary
(article 393 C.C.P.)**

General duties of a notary

The notary seized of this application must act in your best interests while protecting your rights and safeguarding your autonomy.

Right to be heard

Before drawing up minutes of notarial operations and conclusions, the notary must hear you in person to allow you to make representations, give your opinion or answer questions. However, if it is impossible or clearly inexpedient to hear you because of the urgency of the situation or your state of health, the notary is not required to hear you.

If you are of full age and living in a remote location, the notary may delegate the responsibility of hearing you to another notary in order to avoid excessive travel expenses.

If the notary is not sufficiently fluent in your language, the notary may also mandate a notary who speaks the language. If necessary, the notary seized of the application or the other notary may retain the services of an interpreter.

Right to be represented

If you are an incapable person of full age, a notary who considers that you need to be represented by a lawyer or another notary or by a tutor or curator ad hoc must inform the interested persons so that the appropriate measures may be taken. The notary may continue to act if the latter are not opposed to it.

Right to be assisted

If you are an incapable person of full age, a notary who considers that you need to be assisted by a trusted third person must inform the interested persons so that the appropriate measures may be taken. The notary may continue to act if the latter are not opposed to it.

Right of opposition

In the 10 days preceding the date specified by the notary for the filing of the minutes with the court office, it is possible to oppose the minutes by applying to the court.

Recourse against a judgment granting, rejecting or amending the conclusions set out in a notary's minutes

If a decision concerning your capacity is rendered by a special clerk, an application for review may be filed at the office of the court within 10 days after the date of the decision.

A judgement or order made concerning this application may be appealed within 30 days after the date of the notice of judgment or after the date of the judgment if it was rendered at the hearing.

You can request the review of a judgment concerning your personal integrity or capacity when you, or any interested party, are able to present new facts sufficient to result in the varying of the judgment.